\* IFW



DERIVATIVES

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: MATSUOKA=18

In re Application of:

Hiroharu MATSUOKA et al

Appln. No.: 09/890,219

Filed: December 12, 2001

For: SUBSTITUTED PHENETHYLAMINE)

Art Unit: 1625

Washington, B. M. Robinson

Confirmation No. 7465

September 21, 2006

## INFORMATION DISCLOSURE STATEMENT [IDS]

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop Amendment
401 Dulany Street
Alexandria, VA 22314

09/22/2006 MBERHE 00000123 09890219

01 FC:1806

180.00 OP

Sir:

This Information Disclosure Statement is submitted in accordance with 37 CFR §§1.97, 1.98, and it is requested that the information set forth in this statement and in the listed documents be considered during the pendency of the above-identified application, and any other application relying on the filing date of the above-identified application or cross-referencing it as a related application.

- [X] 1. This IDS should be considered, in accordance with 37 CFR §1.97, as it is filed:
- [ ] A. within three months of the filing date of the above-identified national application or within three months of the entry into the national stage of the above-identified international application.
- [ ] B. before the mailing date of a first office action on the merits or before the mailing of a first Office action after the filing of a Request for Continued Examination under 37 CFR §1.114; or

- [X] C. after (A) and (B) above, but before final rejection or allowance, and Applicant has made the necessary certification (box "i" below) or paid the necessary fee (box "i" below):
  - [] i. Counsel certifies that, upon information and belief, each item of information listed herein either was
    - [] (a) first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
    - [ ] (b) not cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of undersigned after making reasonable inquiry, not known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this IDS.
  - [X] ii. Credit Card Payment Form, PTO-2038, is attached authorizing payment of the fee set forth in 37 CFR §1.17(p), presently believed to be \$180. If the enclosed payment is incorrect, please charge any additional fees or credit any overpayment to Deposit Account No. 02-4035 of the undersigned.
- [X] 2. In accordance with 37 CFR §1.98, this IDS includes a list (e.g., form BN/SB/08A/B) of all patents, publications, or other information submitted for consideration by the office, either incorporated into this IDS or as an attachment hereto. Other than U.S. patent(s) and/or published U.S. application(s), which 37 CFR §1.98(a)(2)(ii) does not require to be filed unless specifically required by the Office, a copy of each document listed is attached.

- [X] 3. Document(s) AK, AL, and AM are not in the English language. In accordance with 37 CFR §1.98(a)(3), Applicant states:
  - [X] An English translation of each document <u>AL and AM</u> (or of the pertinent portions thereof), or a copy of an English-language abstract (or claim) is enclosed.
  - [X] For documents AK, a corresponding English-language patent or published application is included on the accompanying Form BN/SB/08A, with a line drawn in the margin connecting the non-English-language document with its corresponding English-language document.
  - [ ] A concise explanation of the relevance of document(s) \_\_\_\_\_ is found in the attached \_\_\_\_\_ search report (see reply to Comment 68 in the preamble to the final rules; 1135 OG 13 at 20).
  - [ ] A concise explanation of the relevance of document(s) \_\_\_\_\_ is set forth as follows:
  - [ ] A concise explanation of the relevance of document(s) \_\_\_\_ can be found on page(s) of the specification.
  - [ ] A concise explanation of the relevance of document(s) \_\_\_\_ can be found on the attached sheet.
- [X] 4. No explanation of relevance is necessary for documents in the English language (see reply to Comments 67 and 68 in the preamble to the final rules; 1135 OG 13 at 20).

[X] 5. Other information being provided for the examiner's consideration follows:

## INTERNATIONAL SEARCH REPORT

6. In accordance with 37 CFR §§1.97(g) and (h), the filing of this IDS should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in 37 CFR §1.56(b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserves the right to prove that the date of publication is in fact different.

Respectfully submitted,

BROWDY AND NEIMARK
Attorneys for Applicant(s)

By:

Anne M. Kornbau

Registration No. 25,884

AMK:srd

624 Ninth Street, N.W., Suite 300

Washington, D.C. 20001-5303

Telephone: (202)628-5197 Facsimile: (202)737-3528

G:\BN\Y\YUAS\Matsuoka18\Pto\2006-09-21 IDS.doc



Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Complete if Known			
Application Number	09/890,219		
Filing Date	December 12, 2001		
First Named Inventor	Hiroharu MATSUOKA et al.		
Group Art Unit	1625		
Examiner Name	B. M. Robinson		
Attorney Docket Number	MATSUOKA=18		

Г	U.S. PATENT DOCUMENTS						
	xaminer	Cite No.1	Document Number  Number-Kind Code <sup>2 (if known)</sup>	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
┪			US-4,596,677 A	06-17-1986	RINIKER et al.		
Ī			US-				
ſ			US-				
Ī			US-				
Ī			US-				
ľ			US-	·			
ľ	-		US-				
			US-				
ı			US-				

	FOREIGN PATENT DOCUMENTS						
		Foreign Patent Number	Publication Date	Name of Patentee or Applicant	Pages, Columns, Lines,		
Examiner Initials*	Cite No.1	Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)	MM-DD-YYYY	of Cited Degument	Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>	
•	AK	EP 0 111 266 A2	06-20-1984	CIBA GEIGY AG			
	AL	JP 06-220088 A	08-09-1994	ASAHI CHEM IND CO LTD		ABS	
	AM	JP 07-188282 A	07-25-1995	SUETSUNA YOKO		ABS	
	AN	WO 97/19908 A1	06-05-1997	NIHON NOHYAKU CO LTD			
			-				

	NON PATENT LITERATURE DOCUMENTS / OTHER INFORMATION				
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>		
	AO	BUDAVARI, S. et al., "The Merk Index", (1996) MERCK & CO., INC., pages 1677, 1253, and 1690			
		-			

Examiner	Date	
Signature	 Considered	

<sup>\*</sup> EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kind Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ¹For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.